

REMARKS

The above amendments to the above-captioned application along with the following remarks are being submitted as a full and complete response to the Official Action dated April 4, 2005. In view of the above amendments and the following remarks, the Examiner is respectfully requested to give due reconsideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

Status of the Claims

Claims 1-6 are under consideration in this application. Claims 1-2 and 4-5 are being amended, as set forth in the above marked-up presentation of the claim amendments, in order to more particularly define and distinctly claim applicants' invention.

The claims are being amended to correct formal errors and/or to better recite or describe the features of the present invention as claimed. All the amendments to the claims are supported by the specification. Applicants hereby submit that no new matter is being introduced into the application through the submission of this response.

Allowable Subject Matter

Claims 2-3 and 8-13 would be allowed if rewritten in independent form including the limitations of the base claim and any intervening claims.

Prior Art Rejection

Claims 1, 6-7 and 14-16 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Pat. App. Pub. No. 2003/0187847 to Lubbers et al. (hereinafter "Lubbers"). The references DeKoning et al. (6,108,684), Choquier et al. (5,951,694), Ulrich et al. (6,871,295), and Honda et al. (6,915,379) were cited as pertinent to the application. This rejection has been carefully considered, but is most respectfully traversed, as more fully discussed below.

The storage system of the invention (for example, the embodiment depicted in Fig. 1; pp. 38-40), as now recited in the claim 1, comprising a first storage control device 10 and a second storage control device 200 connected so as to be capable of communicating with each other and executing data processing according to a request from a host device 1. The first storage control device 10 comprises first control means for judging whether or not the second storage control device 200 can execute a predetermined data processing function relating to a first request CH received from the host device 1 and, only after said first control means

judges that the second storage control device 200 can execute said predetermined data processing function, the first control means generates a second request CS corresponding to the first request CH for taking over said predetermined data processing function by the second storage control device and transmits it to the second storage control device 200. The second storage control device 200 comprises second control means for executing the predetermined data processing function based on the second request CS received from the first storage control device 10 such that the second storage control device 200 takes over said predetermined data processing function relating to a first request CH from the first storage control device 10 (e.g., *“When the command control unit 100 makes reference to the function management table TF and confirms that the second storage control device 200 supports the direct backup function, the command control unit 100 generates the second command CS by rewriting part of the first command CH in order to make the second storage control device 200 take over the direct backup.”* p. 52, lines 7-8). The predetermined data processing function includes direct backup, internal copying process between a pair of volumes, mirroring, or remote copying (p. 51, lines 20-22).

The invention recited in claim 14 is directed to a control method for a storage system comprising a first storage control device and a second storage control device connected to communicate with each other thereby executing data processing according to requests from a host device to operate as recited in claim 1.

The invention recited in claim 15 is directed to the first storage control device 10 as recited in claim 1 connected to a second storage control device 200 and a host device 1 to communicate with each other for executing data processing according to a request from the host device 1 as recited in claim 1.

The invention recited in claim 16 is directed to a program stored in a computer readable medium connected to a second storage control device 200 and a host device 1 to communicate with each other for controlling a first storage control device 10 thereby executing data processing according to a request from the host device 1 as recited in claim 1

Applicants respectfully submit that Lubbers fails to teach or suggest applying such a “first storage control device 10 which, *only after* it is judged that the second storage control device 200 can execute said predetermined data processing function, generates a second request CS corresponding to the first request CH for taking over said predetermined data processing function by the second storage control device and transmits it to the second storage control device 200” according to the invention.

In contrast, Lubbers' controller 105 at the source site only sends out a *preliminary/test* request to a controller 105 at the destination site without first judging whether that the second storage control device 200 can execute said predetermined data processing function ([0054]). It is Lubbers' **destination controller 105** (rather than a **source** controller) "determines whether its storage cell has sufficient resources (e.g., storage capacity) to service the request, reserves the necessary resources if available, and responds back to the source controller 105 that the destination virtual disk is created ([0054])". It is well established that a rejection based on cited references having contradictory principles or principles that teach away from the invention is improper.

Only after the **destination** controller 105 confirms that it can handle the work, the **source** controller then starts the data copying processing ("*Once the source virtual disk 601 receives this confirmation, it can continue normal operations while the actual allocation of virtual disk 602 and copying of data can occur as background processes*" [0054]) with an **actual** data copying request to the destination controller thereby the destination controller taking over said predetermined data processing function. Lubbers' **source** controller 105 only sends out a *preliminary/test* request, but not an **actual** data copying request, to the **destination** controller 105 before the judging processing.

Applicants contend that Lubbers fails to teach or disclose each and every feature of the present invention as disclosed in independent claims 1 and 14-16. As such, the present invention as now claimed is distinguishable and thereby allowable over the rejections raised in the Office Action. The withdrawal of the outstanding prior art rejections is in order, and is respectfully solicited.

Conclusion

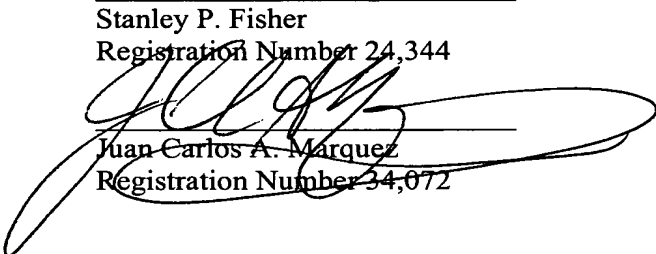
In view of all the above, clear and distinct differences as discussed exist between the present invention and the prior art references upon which the rejections in the Office Action rely, Applicant respectfully contends that the prior art references cannot anticipate the present invention or render the present invention obvious. Rather, the present invention as a whole is distinguishable, and thereby allowable over the prior art.

Favorable reconsideration of this application is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance

of the above-captioned application, the Examiner is invited to contact the Applicant's undersigned representative at the address and phone number indicated below.

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